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 (w)  
 Rufus R. Robinson III PRO SE  
 Willard Imamoto PRO SE  
 Pastor George Piliwale PRO SE  
 85-124 A Ala Walua Street  
 Waianae, Hawaii 96792  
 (808) 696-5341  
 Email: rufus\_r\_robinson\_iiii@msn.com

ORIGINAL

FILED IN THE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF HAWAII

FEB 15 2006

at 3 o'clock and 0 min M  
 SUE BEITIA, CLERK

United States District Court  
State of Hawaii

Rufus R. Robinson III,

Gretchen M. Robinson

Plaintiffs,

vs.

Tripler Army Medical Center; Tripler Army Medical Center, Director of Neonatal Intensive Care Unit; State of Hawaii, Department of Human Services; State of Hawaii, Child Protective Service; Patricia Snyder, Social Services Division Administrator; David K. Y. Kam, CPS Supervisor; Elliott Plourde, CPS Worker; Judge Lillian Ramirez-Uy; Honolulu (City) Police Department / Honolulu Police Officer K. Kanaa (Badge 3617)

Defendants

) Civil No.: CV04 00672 DAE KSC  
 )  
 ) MOTION FOR RULING ON CASE STATUS  
 )  
 ) EXHIBITS A - C  
 )  
 ) NOTICE OF HEARING  
 )  
 ) CERTIFICATE OF SERVICE  
 )  
 )  
 ) Hearing: \_\_\_\_\_  
 )  
 ) Time: \_\_\_\_\_  
 )  
 ) Place: U S DISTRICT COURT Above  
 )  
 ) JUDGE: THE HONORABLE DAVID ALAN EZRA  
 ) US DISTRICT JUDGE  
 )  
 ) JURY TRIAL: May 2, 2006 at 9:00 AM  
 )

**MOTION FOR RULING ON CASE STATUS**

All defendants concerned, please be advised and aware that a hearing is requested for this most important ruling and that that hearing will take place as indicated above.

The Plaintiffs are greatly concerned over the confusion that exist over the status of this case. Since this court filed "ORDER granting Defendant HPD's Motion to Dismiss, and denying Plaintiffs' Counter Motion. [Signed by Judge DAVID ALAN EZRA on 1/5/2006. (gab) (Entered: 01/12/2006)]" (Included by Reference) and "ORDER granting Defendants' Motion for Summary Judgment. [Signed by Judge DAVID ALAN EZRA on 1/27/06. (eps) (Entered: 01/27/2006)]" (Included by Reference); the Plaintiffs have inquired of the Courtroom Manager, Law Clerks, and the Clerks Office concerning the case status. Our, unlearned Pro Se, question "Is this case still open or was it closed with no Defendants remaining when the Motion for Summary Judgement was Granted?" This confusion is confirmed in Exhibits A through C as described below.

**CONFUSION VERIFIED**

EXHIBIT A. Ms Gavigan (Deputy Corporate Counsel) has refused to answer discovery requests. This is based on the order granting HPD dismissal. This uncooperative attitude persists even though the request was made before the order was made.

EXHIBIT B. Magistrate Judge Chang issued and order to cease discovery. This order is based on the assumption that there are no other Defendants left in this case. So taking depositions is a moot and unnecessary event. The case is obviously closed with no Defendants. But, you, Most Honorable Judge David A. Ezra, stated that you wanted depositions submitted as soon as possible and that you would give time for that to be done. (Reference the hearing held by You on January 3, 2006).

EXHIBIT C. "Selection Criteria for Report" show clearly that this report was selected because this case is still open.

Additionally. Court Clerks also stated that without giving legal advice the case is open with one Defendant.

**EFFECT OF CONFUSION ON PLAINTIFFS**

- Plaintiffs are unable to proceed with Discovery, if there is no case.
- Plaintiffs may have submitted an Amended Appeal too early.
- Plaintiffs can present no further defense, if there is no case.
- Defendant HPD has refused Discovery incorrectly, if there is a case opened.
- Defendants are under tremendous emotional, mental, and physical stress. The stress is effecting the health and well being of the Plaintiffs. Doctors can find no reason for the hypertension, and heart attack or stroke or something which Plaintiff Gretchen Robinson is being treated. Is there a case or is there not a case?
- Precious time has been lost, if there is a case.
- An extension of time MUST be requested and granted, if there is a case.
- The door to depositions must be reopened, if there is a case.
- The time for Disclosure Motions must be extended since the police reports must be subpoenaed from HPD and resistance is expected, if there is a case.
- Deposition evidence must be transcribed and submitted to the court, if there is a case.

**PLAINTIFFS' REQUEST / CONCLUSION**

This is a Federal Case; it is shameful, in our opinion, that plaintiffs, defendants, or others not to understand what is going on. We agree that the Plaintiffs do require more patience and clearer descriptions of the proceedings because of our lack of knowledge (we perish for this reason).

We request that a hearing be set, as soon as possible, with all concerned persons in attendance.

We request that the court decisions be clearly explained so that all understand without reservation.

We request that extension of time be granted so that Discovery may be completed; if there is a case open.

DATED AT HONOLULU, HAWAII THIS 14<sup>TH</sup> DAY OF February 2006.

  
Rufus R. Robinson III PRO SE  
85-124A Ala Walua Street  
Waianae, Hawaii 96792 (808) 696-5341